

WWR# 040055191

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS (CHICAGO)**

In Re:	:	Case No. 18-06907
	:	
Shaniqwa J Gilmore,	:	Chapter 13
	:	
	:	Judge Jacqueline P. Cox
	:	
Debtor,	:	OBJECTION TO BE HEARD AT THE
	:	CONFIRMATION HEARING:
	:	Date: May 07, 2018
	:	Time: 10:30 A.M.
	:	Location: 219 South Dearborn, Chicago, IL
	:	60604, Courtroom 680

OBJECTION TO CONFIRMATION

NOW COMES CNAC Joliet Inc., a secured claimant in the above captioned Chapter 13 proceeding, and objects to confirmation of Debtor's Chapter 13 plan with respect to the treatment to its collateral: .

1. On March 20, 2017, Shaniqwa J Gilmore, Debtor, executed and delivered to Movant one Retail Installment Contract in the amount of \$11,465.35 (Exhibit A), secured by a lien encumbering the following: 2011 Hyundai Sonata , VIN# 5NPEB4AC0BH087565 (Exhibit B). Copies of substantiating loan documentation are attached hereto and made a part hereof.

2. On March 9, 2017, Debtor filed a Chapter 13 Plan with this Court proposing to pay CNAC Joliet Inc., \$9,941.00 as an allowed secured claim.

3. The amount due Creditor on its secured claim is \$10,133.79.
4. The vehicle was purchased on March 20, 2017, within 910 days of the Debtor's bankruptcy filing.
5. Pursuant to the hanging paragraph of 11 U.S.C. § 1325(a), a debt incurred within 910 days preceding the filing of the petition which is secured by a purchase money security interest on a motor vehicle is not subject to the cram down provision of 11 U.S.C. § 1325 (a)(5) or valuation under 11 U.S.C. § 506.
6. CNAC Joliet Inc. is entitled to the full balance due on its claim of \$10,133.79.
7. Debtor's present Plan proposes to pay objecting creditor less than the value of all the collateral as a secured claim.
8. Debtor's Plan provides for unequal monthly payment amounts to Creditor. Payments are \$55.00 per month until January 2020, when they are to increase to \$357.00 per month pending payment of attorney's fees.
9. The payment of \$55.00 per month is insufficient to provide Creditor adequate protection for the first months of the Plan.
10. Confirmation of the plan should be denied as it does not provide Creditor adequate protection as required under 11 U.S.C. § 1325 (a) (5) (B) (iii) and §361.

WHEREFORE, for the reasons stated above, CNAC Joliet Inc. respectfully requests that confirmation of the proposed plan be denied and that it be awarded its attorney's fees to be paid through the plan.

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., L.P.A.

Date: April 18,2018

By: /s/ Monette Cope
Monette Cope
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Attorney for Creditor,
CNAC Joliet Inc.

PROOF OF SERVICE

Creditor, CNAC Joliet Inc., filed an Objection to Confirmation. All parties were served a copy of the Objection on April 18, 2018. The Objection was served upon Debtor(s) by depositing the same in the U.S. Mail at 180 N. LaSalle St., Chicago, Illinois, postage prepaid, addressed as below. The remaining parties were served by the Court's CM/ECF electronic noticing.

Shaniqwa J Gilmore
8751 W 79th St. #9
Justice, IL 60458

Michael A Miller, Attorney for the Debtor at mmiller@semradlaw.com

Tom Vaughn, Chapter 13 Trustee at ecf@tcvh13.net

Patrick S. Layng, U.S. TRUSTEE at USTPRegion11.ES.ECF@usdoj.gov

Respectfully submitted,

WELTMAN, WEINBERG & REIS CO., LPA

Date: April 18, 2018

By: /s/ Nicole M. Perichak
Nicole M. Perichak, Legal Assistant